



December 7, 2023

Suma S. Thomas
914.872.7307 (direct)
Suma.Thomas@wilsonelser.com

Via ECF

Hon. Katherine Polk Failla
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: *Darin Pape v. Bodum USA, Inc.*
Civil Action No.: 1:23-cv-08401-KPF

Dear Judge Polk Failla:

This firm represents Defendant Bodum USA, Inc., (“Bodum”), in the above referenced lawsuit. We have conferred with Plaintiff’s Counsel and submit this joint letter in response to the Court’s September 29, 2023 Order (Dkt #5) requesting that the parties submit a Proposed Civil Case Management Plan and Scheduling Order in anticipation of the December 13, 2023 teleconference with this Court.

By way of Plaintiff’s Complaint, Darin Pape seeks recovery for personal injuries allegedly sustained while using a Bodum French Coffee Press. Bodum, who is the distributor of Bodum French Presses, has appeared and denied the allegations. Plaintiff’s counsel has forwarded a Settlement Package for Bodum’s consideration which is currently being reviewed. The parties expect to discuss the Package by the end of next week and begin settlement negotiations. In light of this, we respectfully ask the Court for a thirty-day postponement of the Case Management Plan and Scheduling Order, as well as the teleconference, to allow the parties to attempt to resolve this matter. The Schedule would therefore be as follows:

	Current date	Proposed date
Case Management Plan and Scheduling Order:	December 7, 2023	January 8, 2024
Initial Pretrial Conference:	December 13, 2023	January 15, 2024

1133 Westchester Avenue • White Plains, NY 10604 • p 914.323.7000 • f 914.323.7001

Albany • Atlanta • Austin • Baltimore • Beaumont • Boston • Chicago • Dallas • Denver • Edwardsville • Garden City • Hartford • Houston • Indiana • Kentucky
Las Vegas • London • Los Angeles • Miami • Michigan • Milwaukee • Missouri • New Jersey • New Orleans • New York • Orlando • Philadelphia • Phoenix
San Diego • San Francisco • Sarasota • Stamford • Virginia • Washington, DC • Wellington • White Plains

wilsonelser.com



Respectfully submitted,

**Milberg Coleman Bryson
Philips Grossman**

/s/ Randi Kassan

Randi Kassan

**Wilson Elser Moskowitz
Edelman & Dicker LLP**

/s/ Suma S. Thomas

Suma S. Thomas

cc: (Via ECF)

Adam J. Kress, Esq.
Johnson Becker PLLC
444 Cedar Street, Suite 1800
Saint Paul, MN 55101
(612) 436-1908

Application GRANTED in part. The initial pretrial conference currently scheduled for December 13, 2023 is hereby ADJOURNED *sine die*, pending further order of the Court.

The parties are hereby ORDERED to file a letter requesting reinstatement of the initial pretrial conference within 7 days of the termination of the parties' settlement negotiations, should they prove unsuccessful. The parties shall otherwise file an update with the Court regarding the status of their settlement negotiations on or before **January 15, 2024**.

Dated: December 7, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading 'Katherine Polk Failla'.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE